

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CRINA C. RIOS,

Plaintiff,

Cause No: _____

vs.

PEAK PRESSURE CONTROL, LLC,

Defendant.

**NOTICE OF REMOVAL OF STATE ACTION TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO**

COMES NOW Defendant, by and through it counsel of record, Beall & Biehler, Gregory L. Biehler, Esq., and as grounds for removal to this Court, states as follows:

1. Plaintiff filed her Complaint on September 20, 2013, in the Fifth Judicial District, State of New Mexico, County of Eddy, D-503-CV-2013-00778. A copy of the Complaint filed in the State Court Action is attached hereto as Exhibit A.

2. Defendant was served with a Summons and Complaint on or about October 11, 2013.

3. Defendant's principal place of business and home office is located in Midland, Texas for purposes of determining diversity jurisdiction under 28 U.S.C. § 1332(c)(1).

4. Plaintiff is a resident of the City of Malaga, County of Eddy, State of New Mexico, for purposes of determining diversity jurisdiction under 28 U.S.C. § 1332. See Exhibit A, Complaint ¶ 1.

5. There is complete diversity between Plaintiff and Defendant. See 28 U.S.C. § 1441(a).

6. A settlement demand of \$1,000,000 was made by Plaintiff. Thus, the matter in controversy exceeds the value of \$75,000.

7. This Court has jurisdiction and this lawsuit is removable under the provisions of 28 U.S.C. § 1332 on the basis of diversity of citizenship and the amount in controversy.

8. No Pleadings or Orders have been served upon Defendant.

WHEREFORE, Defendant requests that the action pending in in Fifth Judicial District, State of New Mexico, County of Eddy, D-503-CV-2013-00778, be removed from state court to this United States District Court, as well as any other relief the Court deems just and proper.

Respectfully submitted,

BEALL & BIEHLER

By: _____



Gregory L. Biehler, Esq.
Attorneys for Defendant
6715 Academy Road NE
Albuquerque, NM 87109
(505) 828-3600

I CERTIFY that on this 1st day of November, 2013, I filed the forgoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Greta B. Fischer
Jeff Diamond Law Firm
620 N. Grant Ave, Suite 903
Odessa, TX 79761

A handwritten signature in black ink, appearing to read 'Gregory L. Biehler', is written over a horizontal line.

Gregory L. Biehler, Esq.

FILED IN MY OFFICE
DISTRICT COURT CLERK
9/20/2013 3:27:02 PM
ERIC ELLIS

FIFTH JUDICIAL DISTRICT COURT
COUNTY OF EDDY
STATE OF NEW MEXICO

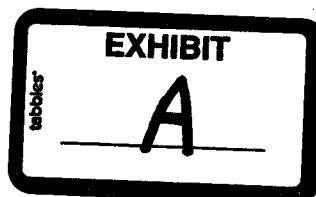
MLH

Crina C. Rios)	
Plaintiff,)	
)	
v.)	No. D-503-CV-2013-00778
)	
Peak Pressure Control, LLC,)	
)	
Defendant.)	

COMPLAINT FOR DAMAGES FOR PERSONAL INJURIES

COMES NOW Plaintiff, Mrs. Crina C. Rios, by and through her attorney Greta B. Fischer, and for cause of action against Defendant, Peak Pressure Control, LLC states:

1. Plaintiff is a resident of the City of Malaga, County of Eddy, and State of New Mexico.
2. Defendant is a limited liability company registered in the State of Texas with operations in Midland, County of Midland, and State of Texas.
3. On or about July 27, 2011, Plaintiff was operating an automobile on US Highway 285 and she was going southbound. Bobby Shane Sinclair was also traveling southbound on US Highway 285. While Plaintiff was making a right-hand turn Bobby Shane Sinclair struck Plaintiff's automobile and the force of the collision pushed Plaintiff's automobile through a parking lot, past a tree and through a metal fence.
4. Defendant owned the truck that was being driven by Mr. Sinclair. Mr. Sinclair was an employee of Defendant and at the time of the accident and he was acting within the scope of his employment. As such, Defendant should be held vicariously liable for the negligent actions of Mr. Sinclair.
5. At the above-mentioned time and place, Defendant negligently operated its motor vehicle in such a manner that it struck the side of the Plaintiff's vehicle with significant force.



6. Defendant was negligent by: failing to see Plaintiff's automobile; operating at a speed that was unsafe for the conditions; following too close; and, colliding with the vehicle operated by Plaintiff.
7. As a result of Defendant's negligence, Plaintiff sustained serious and disabling injuries including, but not limited to injuries to her neck, back, head, left clavicle, and left eye.
8. As a further result of Defendant's negligence, Plaintiff sustained injuries that necessitated being hospitalized and seeking medical treatment.
9. As a further result of Defendant's negligence, Plaintiff incurred substantial medical bills.
10. As a further result of Defendant's negligence, Plaintiff experienced pain and suffering, has lost enjoyment of life, and will continue to experience pain and suffering and loss of enjoyment of life into the future.
11. As a further result of Defendant's negligence, Plaintiff sustained injuries to her left eye, neck, back and left clavicle that are permanent in nature, sustained permanent impairment, and sustained injuries that will require medical treatment well into the future.
12. At all times relevant to this complaint, Plaintiff was in the exercise of due care of her vehicle.

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount that is reasonable and just under the circumstances together with interest, costs, and such other and further relief as to this Honorable Court seems just and proper.

Respectfully submitted,
JEFF DIAMOND LAW FIRM

/s/ Greta Fischer
Greta B. Fischer
620 N. Grant Ave., Ste 903
Odessa, Texas 79761
Telephone (432) 332-2700

Attorney for Plaintiff